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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In re: MGM Resorts International Data  
Breach Litigation

Case No.: 2:20-CV-00376-GMN-NJK

**STIPULATION AND ~~PROPOSED~~ ORDER  
REGARDING MODIFICATION OF  
DISCOVERY SCHEDULE (First Request)**

Pursuant to Federal Rules of Civil Procedure 16 and Civil Local Rules IA 6-1 and 6-2, Plaintiffs Ryan Bohlim, Duke Hwynn, Andrew Sedaghatpour, Gennady Simkin, Robert Taylor, Michael Fossett, Victor Wukovits, Kerri Shapiro, Julie Mutsko, Larry Lawter, individually and on behalf of those similarly situated (collectively, “Plaintiffs”) and Defendant MGM Resorts International (“MGM”) (collectively, the “Parties”), stipulate to and request the following modification of the Case Management Schedule [ECF No. 143], seeking (1) a brief extension of the interim fact discovery cutoff by three months, and (2) adjustments to other case deadlines accordingly. Notwithstanding the Parties’ diligence in propounding and responding to discovery, this request is necessary to complete approximately 17 contemplated depositions, which is complicated by the upcoming holidays, the geographical dispersion of witnesses, the need to complete and review document productions for purposes of examining witnesses at deposition, complications related to the fact that the vast majority of MGM witnesses no longer work for the company; as well as the need to work through certain third-party discovery disputes that the parties have been diligently attempting to resolve cooperatively and without the need for Court intervention, and the need to investigate the potential relationship between this case and a subsequent security incident MGM experienced in September 2023. This is the Parties’ first request to modify the case management schedule.

#### **Modification of the Case Management Schedule**

WHEREAS, on December 29, 2022, the Court entered the interim fact discovery cutoff deadline for December 19, 2023, and also set the following deadlines: Initial class certification experts: January 18, 2024; Rebuttal class certification experts: March 4, 2024; Class certification expert discovery cutoff: April 3, 2024; Motion for class certification: April 24, 2024; Motion(s) to exclude class certification experts: April 24, 2024; Private mediation deadline: July 17, 2024; Joint status report regarding private mediation: July 24, 2024. (ECF No. 143).

WHEREAS, the Parties have engaged in and completed significant discovery, including by (a) serving and responding to multiple discovery requests and interrogatories since February 2023, and meeting and conferring regarding the same (41 requests for production and 7 interrogatories propounded by Plaintiffs; 41 requests for production, 17 requests for admission,

1 and 10 interrogatories propounded by MGM); (b) MGM's production of over 12,000 documents;  
2 (c) Plaintiffs' production of approximately 5,000 documents; (d) the Parties' ongoing and  
3 extensive review of those documents; (d) meeting and conferring to discuss the scope of discovery  
4 responses and the scheduling of depositions in a cooperative fashion to avoid burdening the Court  
5 with needless motion practice; (e) Plaintiffs' deposition of a third-party in this case and serving  
6 two other third-party document and deposition subpoenas;

7 WHEREAS, the Parties anticipate substantially completing their document productions in  
8 the coming weeks, including the additional production of approximately 800 documents by  
9 Plaintiffs; and an additional volume of documents from MGM; however, the Parties still need to  
10 complete 15 agreed-upon party depositions and 2 contemplated third-party depositions, all of  
11 which is complicated by the upcoming holidays, the geographical dispersion of witnesses, the need  
12 to complete and review document productions for purposes of examining witnesses at deposition,  
13 as well as additional complications related to the fact that the vast majority of MGM witnesses no  
14 longer work for the company;

15 WHEREAS, Plaintiffs have served third-party deposition subpoenas and anticipate  
16 potential discovery motion practice in the forum where one third-party is located if the Parties  
17 cannot resolve matters informally;

18 WHEREAS, the Parties are discussing further discovery arising from the September 10,  
19 2023 security incident that impacted MGM, which they have sought to explore with counsel in  
20 this case and counsel in *Lackey v. MGM Resorts International*, Case No. 2:23-cv-01549 (D. Nev.  
21 2023);

22 WHEREAS, Plaintiffs contend that discovery regarding the September 2023 security  
23 incident may be relevant to the scope and terms of potential injunctive relief in this case and is  
24 therefore necessary prior to filing their motion for class certification;

25 WHEREAS, Defendants contend that discovery regarding the September 2023 security  
26 incident does not bear on the 2019 security incident, which involved a different threat actor, threat  
27 vector, and systems;

28 WHEREAS, notwithstanding the Parties' disagreement over the relevance of discovery

1 regarding the September 2023 security incident, they have been working cooperatively to resolve  
2 that dispute without the need for motion practice that otherwise would burden the Court;

3 WHEREAS, the Parties require a modest three-month extension to complete depositions  
4 and to resolve any outstanding discovery disputes concerning third-party discovery and the 2023  
5 security incident, in order to adequately and fully brief class certification and otherwise litigate the  
6 case;

7 WHEREAS, the Parties met and conferred telephonically on October 17, 2023, and  
8 October 31, 2023, and have reached an agreement;

9 Accordingly, **IT IS HEREBY STIPULATED AND AGREED** between the Parties, and  
10 subject to Court approval, that:

11 1. The fact discovery cutoff deadline is extended from December 19, 2023, to March  
12 19, 2024;

13 2. All other deadlines are correspondingly extended by three months, to correspond  
14 to the following deadlines:

Event	Prior Deadline (ECF No. 133).	(Proposed) Updated Deadline
Fact discovery cutoff	December 19, 2023	March 19, 2024
Initial class certification experts	January 18, 2024	April 18, 2024
Rebuttal class certification experts	March 4, 2024	June 4, 2024
Class certification expert discovery cutoff	April 3, 2024	July 3, 2024
Motion for class certification	April 24, 2024	July 24, 2024
Motion(s) to exclude class certification experts	April 24, 2024	July 24, 2024
Private mediation deadline	July 17, 2024	October 17, 2024
Joint status report regarding private mediation	July 24, 2024	October 24, 2024

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24 IT IS SO ORDERED.

25 Dated: November 8, 2023

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28 Nancy J. Koppe  
United States Magistrate Judge

DATED this 6<sup>th</sup> day of November, 2023.

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